



BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Newburgh Hydro, LLC

Project No. 12962-002

NOTICE OF APPLICATION ACCEPTED FOR FILING, SOLICITING MOTIONS TO INTERVENE AND PROTESTS, READY FOR ENVIRONMENTAL ANALYSIS, AND SOLICITING COMMENTS, RECOMMENDATIONS, PRELIMINARY TERMS AND CONDITIONS, AND PRELIMINARY FISHWAY PRESCRIPTIONS

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. Type of Application: Original Major License
- b. Project No.: 12962-002
- c. Date filed: April 29, 2011
- d. Applicant: Newburgh Hydro, LLC
- e. Name of Project: Newburgh Hydroelectric Project
- f. Location: The project would be located on the Ohio River at the existing U.S. Army Corps of Engineers' (Corps) Newburgh Locks and Dam in Henderson County, Kentucky and Warrick County, Indiana.
- g. Filed Pursuant to: Federal Power Act 16 USC §§ 791(a) - 825(r)
- h. Applicant Contacts: Brent L. Smith, COO, Symbiotics LLC, 371 Upper Terrace, Suite 2, Bend, OR 97702, (541) 330-8779; Dr. Vincent A. Lamarra, CEO, Symbiotics LLC, 975 South State Highway, Logan, UT 84321, (435) 752-2580
- i. FERC Contact: Jennifer Adams, (202) 502-8087, or jennifer.adams@ferc.gov
- j. Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

Motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions may be filed electronically via the Internet. See 18 CFR § 385.2001(a)(1)(iii) and the instructions on the Commission's website <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The existing Newburgh Locks and Dam is a 2,275.5-foot-long by 122-foot-high dam containing nine Taintor gates, each 110 feet wide by 32 feet high, and a concrete fixed weir. The main and auxiliary locks are on the Indiana side of the river. The main lock is 110 feet wide by 1,200 feet long and the auxiliary lock is 110 feet wide by 600 feet long. The impoundment above the Newburgh Locks and Dam has a surface area of 16,390 acres and a storage capacity of 455,800 acre-feet.

The proposed Newburgh Project would consist of: (1) an 800-foot-long forebay; (2) a 144-foot-long, 69-foot-high trashrack, with 4-inch openings; (3) a 215-foot-long, 167-foot-wide submersible, concrete powerhouse containing three Kaplan turbine-generators, each with an installed capacity of 18.9 megawatts (MW), for a total capacity of 56.7 MW; (4) a 1,500-foot-long tailrace with a submerged dike approximately at the midpoint for navigation purposes; (5) an 800-foot-long transmission line from the powerhouse to; (6) a switchyard; (7) a 3.8-mile-long 138 kilovolt transmission line to an existing substation; (8) a 3,559-foot-long access road that would reroute State Road No. 2 and include a 8,000 square foot parking lot; and (9) appurtenant facilities. The estimated average annual generation for the project would be 169,000 megawatt hours. The project would operate run-of-river, utilizing the flows released under the current Corps operation guidelines.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. Copies are also available for inspection and reproduction at the address in item h above.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR §§ 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR §§ 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR § 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR §§ 4.34(b) and 385.2010.

o. Procedural Schedule:

The application will be processed according to the following revised Hydropower Licensing Schedule. Revisions to the schedule may be made as appropriate.

MILESTONE	TARGET DATE
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	November 2012
Commission issues EA	March 2013
Comments on EA	April 2013
Modified terms and conditions	June 2013

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 18 CFR § 5.22: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

r. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Dated: September 26, 2012

Kimberly D. Bose,
Secretary.